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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,480	12/07/2000	Rabindranath Dutta	AUS9000688US1	3176
35617	7590	06/25/2004	EXAMINER	
CONLEY ROSE, P.C.			HO, THOMAS Y	
P.O. BOX 684908			ART UNIT	
AUSTIN, TX 78768			PAPER NUMBER	

3677

DATE MAILED: 06/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/732,480	Applicant(s) DUTTA, RABINDRANATH	
	Examiner Thomas Y Ho	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 16-19, 21-25, 27-31 and 35-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 16-19, 21-25, 27-31, 35-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

Claims 1-13, 16-19, 21-25, 27-31, and 35-37 are pending. Claims 14-15, 20, 26, and 32-34 have been withdrawn or cancelled.

Claim Objections

Claim 18 is objected to because of the following informalities:

The phrase "first second notification quantity value" should be corrected to read --first notification quantity value--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Claims 1-11, 13, 16-19, 21-25, 27-31, and 35-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Waytena US5978770.

As to claim 1, Waytena discloses, a method for conducting electronic commerce over a network, comprising: by consulting a computer database (the central attraction control interface together with attraction computers), determining an inventory status (the status is either being available or unavailable) of at least one product (a space for riding an attraction) being considered for purchase (the using of a space in line) by a buyer (a patron), wherein said determining comprises comparing an inventory quantity (the total number of available spaces in the virtual queue calculated at the time a reservation is made) of the product to an aggregate quantity (number of spaces already reserved or taken in the virtual queue) of the product

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contained in all electronic shopping carts (the PCD and associated programs is an electronic shopping cart) and, wherein said comparing includes generating a first notification quantity value (a current number of available virtual queue spaces, calculated by accounting for the current size of the physical queue, and taken from the queue monitor/updater; col.3, ln.63-67; col.11, ln.1-15; col.12, ln.50-65) by applying a conversion rate factor (values from the queue monitor/queue updater and processor calculations; col.3, ln.63-67; col.4, ln.1-5, col.12, ln.50-65; col.22, ln.5-15) to the inventory quantity; and informing the buyer of a change in the inventory status (the change in the inventory status occurs when the physical queue changes, causing the previously set level of possible virtual queue spaces to also change; col.22, ln.5-15), wherein said informing precedes any purchase of the product by the buyer, and wherein said informing occurs if the value of the aggregate quantity (the value of spaces already reserved or taken) is equal to or greater than the value of the first notification value (the current number of available virtual queue spaces with the current physical queue size being considered). When the queue monitor detects a problem with the size of the queue, this means the available inventory of virtual queue spaces has decreased below the previous amount (the previous amount of virtual spaces becoming the notification value), and the patrons with reserved virtual queue spaces who are affected will be alerted.

As to claim 2, Waytena discloses, wherein the inventory status comprises a level of availability (the level being available or unavailable) of the product to be shipped to the buyer (the act of riding the attraction) and the change in inventory status (the change in the inventory comes from fluctuations in the size of the physical queue, which causes changes in the number of

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possible spaces in the virtual queue; col.3, ln.63-67; col.12, ln.50-65; col.22, ln.5-15) comprises a change in the level of availability of the product to be shipped to be buyer.

As to claim 3, Waytena discloses, wherein the inventory status comprises a probability of immediate shipment of the product (the availability of shipment, or riding the attraction, is a probability value; col.12, ln.50-65) upon purchase by the buyer and the change in the inventory status comprises a change in the probability of immediate shipment of the product upon purchase by the buyer. When any space in the virtual queue is offered, the reservation is based on the probability (from historical time/demand data) that the space will be available, and when the physical queue size changes/grows, or the machine goes down for a period of time, the probability of the space being available decreases, and the patron with the reserved space is alerted.

As to claim 4, Waytena discloses, wherein said informing comprises informing the buyer that the product is nearing depletion in the inventory. Alerting the patron that the reservation is no longer available, and a new reservation should be chosen, tells the patron that the number of available virtual queue spaces has decreased, and their previous space was deleted (col.22, ln.5-15).

As to claim 5, Waytena discloses, wherein said informing; further comprises informing the buyer that the product may not be available for shipment to the buyer unless the product is purchased within a specific timeframe (the timeframe is the reservation time plus/minus a grace period).

As to claim 6, Waytena discloses, wherein the inventory status comprises a number of other buyers (other patrons) considering the product for purchase and the change in the inventory

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status comprises a change in the number of other buyers considering the product for purchase (col.11, ln.1-15).

As to claim 7, Waytena discloses, wherein said determining comprises examining an entry contained in one or more electronic shopping carts.

As to claim 8, Waytena discloses, wherein the electronic shopping cart comprises a persistent electronic shopping cart.

As to claim 9, Waytena discloses, wherein said informing the buyer comprises sending a notification message to the buyer using an electronic mail service.

As to claim 10, Waytena discloses, wherein said informing; the buyer comprises sending a notification message to the buyer using an instant messaging service.

As to claim 11, Waytena discloses, wherein said informing the buyer comprises displaying a notification message upon a video display screen viewed by the buyer.

As to claim 13, Waytena discloses, wherein said examining comprises examining the entry stored onto a storage medium of a server.

As to claim 16, Waytena discloses, wherein comparing further comprises generating a second notification quantity value (the second notification value can be the new calculated number of virtual spaces upon occurrence of downtime) by applying a safety margin factor (downtime factor) to the first notification quantity value (the value from accounting for the size of the physical and virtual queues), and wherein said informing occurs if the value of the aggregate quantity is equal to or greater than the value of the second notification quantity value. When the previously set number of virtual queue spaces (created by accounting for the size of the physical and virtual queues) is affected by downtime (the downtime decreases the number of

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virtual queue spaces, which makes the new number of virtual queue spaces a second notification quantity value; col.11, ln.1-16), and the number of virtual queue spaces now becomes greater than this new second notification quantity value, the patrons affected are alerted.

As to claim 17, Waytena discloses, wherein said informing the buyer comprises selectively informing the buyer based on a ranked profile of the buyer. Patrons affected by changes in the inventory status are alerted.

As to claim 18, Waytena discloses, a system for conducting electronic commerce over a network, comprising a server adapted to, determine an inventory status (the status being available or unavailable) of at least one product (a space for an attraction) being considered for purchase (the act of using the space) by a buyer (patron), compare an inventory quantity (the total number of physical and virtual queue spaces) of the product to an aggregate quantity (the number of available virtual queue spaces reserved) of the product currently considered for purchase by the buyer and a plurality of all other buyers; generate a first notification quantity value (when the size of the virtual queue is decreased by an increase in the physical queue, the new number of available virtual queue spaces is the first notification quantity value; col.11, ln.1-16) by applying a conversion rate factor (a value based on the size of the physical queue, and its effect on the size of the virtual queue) to the inventory quantity; and inform the buyer of a change in the inventory status (the patrons affected by the change in availability are alerted), wherein said informing the buyer precedes any purchase of the product by the buyer, and wherein said informing the buyer occurs if the value of the aggregate quantity is equal to or greater than the first notification quantity value.

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As to claim 19, Waytena discloses, wherein said informing comprises informing the buyer that the product may not be available for shipment to the buyer unless the product is purchased within a specific timeframe (the timeframe is the reservation time plus/minus a grace period).

As to claim 21, Waytena discloses, wherein the server is further adapted to generate a second notification quantity value by applying a safety margin factor to the first notification quantity value. When the downtime is factored into the previously set first notification quantity value (the first notification quantity value based on the size of the physical and virtual queues at the time the reservation is made), a new second notification quantity value is created. If the number of virtual queue spaces reserved by the PCDs is greater than this new value, the patrons affected will be alerted.

As to claim 22, Waytena discloses, wherein the server is further adapted to perform said informing the buyer if the value of the aggregate quantity is equal to or greater than either the first or the second notification quantity value.

As to claim 23, Waytena discloses, wherein the server is further adapted to inform the buyer using a communication means selected from the group consisting of an electronic mail service, an instant messaging service, and dynamic content window.

As to claim 24, Waytena discloses, wherein the server is further adapted to selectively inform the buyer based on a ranked profile of the buyer.

As to claim 25, Waytena discloses, a system for conducting electronic commerce over a network, said system comprising an electronic commerce server (the central interface and attraction computers), wherein the electronic commerce server includes, notification instructions

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(the instructions to alert affected patrons) stored on one or more storage devices for informing a buyer (patron) of a change in inventory status (the change, for example, can be a reservation time going from available to unavailable) of a product being considered for purchase, wherein said informing precedes any purchase of the product by the buyer, and wherein the notification instructions includes instructions for generating a notification quantity value (when the computer processes and calculates the queue size data from the queue monitor, a number of virtual queue spaces is determined based on the size of the physical queue, with the size of the physical queue being a notification quantity value because it could decrease the previously calculated number of available virtual queue spaces; col.11, ln.1-15) by applying a conversion rate factor (a numerical calculation based on the size of the physical queue) to an inventory quantity (the number of available spaces in all queues) of the product and performing said informing if the notification quantity value is equal to or greater than (the physical queue becoming greater is equivalent to the size of the virtual queue becoming lesser, and when the physical queue becomes so great compared to the allowable virtual queue so as to make the aggregate quantity invalid, the patrons affected are warned) an aggregate quantity (number of virtual queue spaces reserved on all of the PCDs) of the product currently being considered for purchase by the buyer and a plurality of all other buyers.

As to claim 27, Waytena discloses, The system of claim 25, wherein the electronic commerce server further comprises one or more databases stored on the storage device, wherein the database comprises notification data including the inventory quantity, the aggregate quantity, the conversion rate factor, and the notification quantity value.

As to claim 28, Waytena discloses, wherein the notification instructions further comprise instructions for selectively informing the buyer based on a ranked profile of the buyer.

As to claim 29, Waytena discloses, wherein the notification data further comprises data associated with the ranked profile of the buyer.

As to claim 30, Waytena discloses, further comprising a Web server coupled to the electronic commerce server and adapted to interface with one or more network clients, wherein the network clients provide means for one or more buyers to conduct electronic commerce transactions with the electronic commerce server.

As to claim 31, Waytena discloses, a computer-usable carrier medium comprising: first program instructions executable on a computational device for determining an inventory status (available or unavailable) of at least one product (space for an attraction) being considered for purchase (using the space) by a buyer (patron), and wherein the first program instructions are further executable for: determining an inventory quantity (total number of physical and virtual queue spaces) of the product and for determining an aggregate quantity (number of reserved virtual queue spaces) of the product currently being considered for purchase by the buyer and a plurality of all other buyers; generating a first notification quantity value (the current value of available virtual queue spaces based on the current number of available virtual queue spaces based on the size of the current physical queue; col.11, ln.1-16) by applying a conversion rate factor (calculations based on the current physical queue size) to the inventory quantity; generating a second notification value (the current value of available virtual queue spaces based on the current effect of downtime) by applying a safety margin factor (calculations based on the effect of downtime) to the first notification quantity value; and second program instructions

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executable on a computational device for informing the buyer of a change in the inventory status (the change can be cancellation or re-scheduling, which tells the patron that the number of virtual queue spaces has diminished), wherein said informing precedes any purchase of the product by the buyer, and wherein said informing occurs if either the first or second notification quantity value is equal to or greater than the aggregate quantity.

As to claim 35, Waytena discloses, wherein the second program instructions are further executable for selectively informing the buyer based on a ranked profile of the buyer.

As to claim 36, Waytena discloses, wherein the second program instructions are further executable for informing the buyer using a communication means selected from the group consisting of an electronic mail service, an instant messaging service, and dynamic content window.

As to claim 37, Waytena discloses, wherein the second program instructions are further executable for informing the buyer that the product may not be available for shipment if the product is not purchased within a specific timeframe (if the space is not used in the reservation time frame, the product/space will be cancelled).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Waytena US5978770 in view of Barni US6064981.

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As to claim 12, the difference between the claim and Waytena is the claim recites, wherein said displaying; the notification message comprises using a dynamic content window formed by a Java applet or an ActiveX control script. Barni discloses a PDA system similar to that of Waytena (col.3, ln.49-51). In addition, Barni further teaches the use of Java on the PDA. It would have been obvious to one of ordinary skill in the art, having the disclosures of Waytena and Barni before him at the time the invention was made, to modify the display/PDA of Waytena to use Java, as in Barni, to obtain known tools and services (such as electronic messaging; col.3, ln.20-30). One would have been motivated to make such a combination because the ability to send messages, chat, and transfer files between devices would have been achieved, as taught by Barni (col.3, ln.20-30, ln.50-60).

Response to Arguments

Applicant's arguments filed 4/1/04 have been fully considered but they are not persuasive.

Applicant argues (pg.9) that Waytena does not disclose generating a first notification quantity value by applying a conversion rate factor to an inventory quantity of a product, and informing a buyer of a change in inventory status of the product if an aggregate quantity of the product is equal to or greater than the first notification value. In response to this argument, Applicant is directed to Waytena (col.3, ln.63-67; col.4, ln.1-5; col.11, ln.1-16; col.12, ln.50-65; col.22, ln.5-15). In Waytena, the inventory quantity is the number of available virtual queue spaces calculated at the time a patron makes a reservation (for example, early in the day). During the course of the day, the size of the physical queue changes, and may affect the number of available virtual queue spaces (for example, in the afternoon). The physical queue

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monitor/updater factors in these current values and calculations to change the current inventory quantity, essentially making the current number of available virtual queue spaces the notification quantity value. If the aggregate quantity of reserved virtual queue spaces in the electronic shopping carts/PCDs (made earlier in the day, before factoring in the current physical queue size in the afternoon) exceeds the current number of available virtual queue spaces (the notification quantity value), the patrons whose reservations are affected will be alerted by being allowed to choose a new reservation time.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US6304850 to Keller discloses a computer system and method for booking airline travel.

US6418413 to DeMarcken discloses a method and apparatus for providing availability of airline seats; the availability comes from applying probabilities of availability from models, which are applied to an inventory.

US6418416 to Rosenberg discloses an inventory management system and method.

US6446045 to Stone discloses a method for using computers to facilitate and control functions (col.50, ln.44-55).

Kelly, Kathryn. Apparel Industry Magazine. Atlanta: Mar 2000. Vol. 61, Iss. 3; pg. 48.

Prior, Molly. DSN Retailing Today. New York: Sep 4, 2000. Vol. 39, Iss. 17; pg.6.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y Ho whose telephone number is (703)305-4556. The examiner can normally be reached on M-F 10:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J Swann can be reached on (703)306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TYH



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